

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2007 AUG 28 A 11:31

MAURICE MALONE

v.

UNITED STATES OF AMERICA

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: Criminal No. CCB-04-0343 DEPUTY
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MEMORANDUM

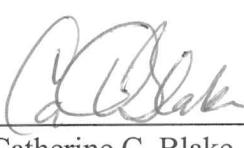
Maurice Malone, a federal prison inmate, filed a motion to vacate under 28 U.S.C. § 2255 on June 14, 2007 apparently challenging his conviction and sentence of 145 months' incarceration imposed June 19, 2006. The sentence followed Malone's guilty plea to Count Six of an indictment charging him with distribution of cocaine base. The motion has been fully considered and will be denied.

Malone, who was represented at his plea and sentencing by experienced defense counsel Arcangelo Tuminelli appointed under the Criminal Justice Act, filed no direct appeal. His present motion, while somewhat difficult to decipher, apparently asserts that counsel was ineffective for failing to discover that this court lacked jurisdiction over Malone's person and over the subject matter of this case. As Malone admitted under oath at his Rule 11 proceeding and in his signed plea letter that he in fact distributed significant quantities of cocaine base in the District of Maryland at the time specified in the indictment, which violated 21 U.S.C. § 841(a)(1), his contention that this court lacked jurisdiction is indisputably without merit. *See United States v. Hartwell*, 448 F.3d 707, 716 (4th Cir. 2006). Accordingly, his counsel was not ineffective for failing to raise this defense.

A separate Order follows.

August 28, 2007

Date


Catherine C. Blake
United States District Judge

c/m
8/28/07
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